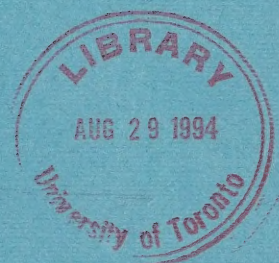
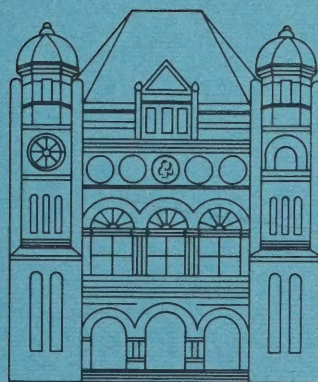


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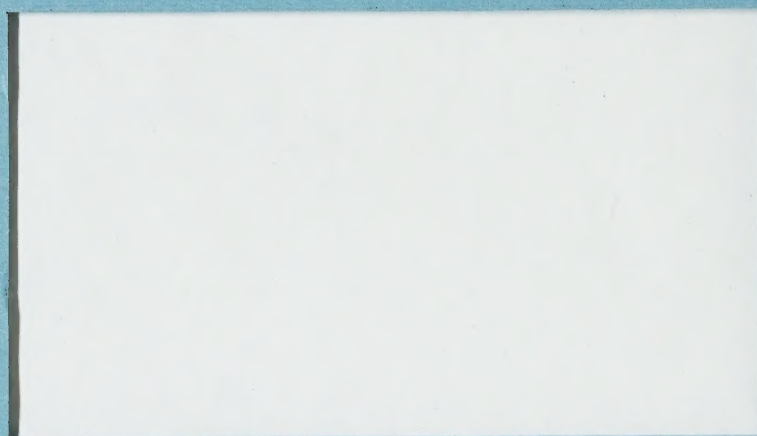
EMPLOYMENT EQUITY

AN OVERVIEW OF POLICIES AND PROGRAMS IN ONTARIO

Current Issue Paper 144



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(416) 325-3637
Fax (416) 325-3696

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Current Issue Paper 144

Prepared by:

Elaine Campbell
Research Officer
Legislative Research Service

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INTRODUCTION

The changing dynamics of Canada's labour force have resulted in major policy and program developments at all levels of government over the past two decades. Among these developments is the concept of employment equity, described by Judge Rosalie Silberman Abella as meaning "equal access free from arbitrary obstructions."¹ It has become an issue as increasing numbers of women, racial minorities, persons with disabilities, and Aboriginal people have looked for work commensurate with their qualifications and abilities, and sufficient to meet their economic needs and personal goals.

The federal government and all provinces and territories allow for voluntary employment equity programs. The *Canadian Charter of Rights and Freedoms* and human rights legislation across the country recognize the role that discrimination plays in denying access and provide for programs that address the needs of traditionally disadvantaged groups. In responding to demands for equity in access to employment, governments have also acknowledged the impact of systemic discrimination.

Most of the previously mentioned jurisdictions have employment equity programs and some have legislation. The Ontario government introduced employment equity legislation on June 25, 1992. Bill 79, the *Employment Equity Act, 1993*, will cover employers in the public, broader public, and private sectors.

This paper is one of a series that will examine employment equity. It will focus on Ontario and the evolution of government policies and initiatives. It will not review the ongoing debate over the merits or faults of employment equity. Background on the development of policies and programs will be followed by an overview of activities in the three sectors to be covered by Bill 79, as well as the province's police forces.² Another Current Issue Paper will examine Bill 79 and its regulation.

BACKGROUND

The implementation of employment equity in Ontario began in the 1960s and continued into the 1980s. Over that period of time, a human rights code was enacted, target groups were identified, and offices were established to oversee and coordinate the development of government policies and programs. What began as affirmative action evolved into employment equity, a term proposed by the federal Royal Commission on Equality in Employment in 1984.³

Human Rights Code

Prior to 1962, the Ontario legislature had passed many bills that dealt with specific grounds for discrimination and unfair practice. The *Ontario Human Rights Code, 1962*, consolidated these statutes and established the Ontario Human Rights Commission to implement the Act.⁴

The Code prohibited discrimination in such areas as public accommodation, services and facilities, employment, and trade union membership. Grounds for discrimination covered race, creed, colour, nationality, ancestry, and place of origin. The Code was amended in 1972 to consolidate legislation passed after 1962. It was also amended to prohibit discrimination on the basis of marital status and to allow for affirmative action programs for women and minority groups. (Section 14(1) of the present Code allows for special programs to relieve hardship or economic disadvantage or to assist the disadvantaged in achieving equal opportunity.)⁵

The twentieth anniversary of the Code was celebrated with the proclamation of a new Code. (The Canadian constitution was patriated that same year, 1982. Included in the Constitution was the *Canadian Charter of Rights and Freedoms*.) The *Human Rights Code, 1981*, extended the grounds for discrimination. Among the newly included grounds were ethnic origin, family status and handicap.⁶ Amendments resulting from s. 15 of the Charter, "Equality Rights," were passed in 1986 and were proclaimed to come into force two years later.⁷

Women

A government-wide affirmative action program for women was authorized by Management Board of Cabinet in 1974. The Women Crown Employees Office was created to coordinate and monitor the program. Over the following years, ministries began to develop their own affirmative action programs. The first Minister Responsible for Women's Issues was appointed in 1983. That same year, the Ontario Women's Directorate was created by incorporating the work of the Women's Bureau and the Women Crown Employees Office, both previously found in the Ministry of Labour. (The Women's Bureau had been established in 1963 as a study centre.)⁸

Racial Minorities

Visible minorities were designated as a second target group in the mid 1970s. A responsibility centre was created in 1976 with the establishment of the Community Race and Ethnic Relations Unit in the Ontario Human Rights Commission. The Race Relations Division of the Commission was created in 1979, as was a Cabinet Committee on Race Relations.

Shortly after the Liberals came to office in 1985, a policy on race relations was formulated and signed by the Premier and the Attorney General, chair of the Cabinet Committee. The Race Relations Directorate was established early in 1987. It reported to the Attorney General, but by the end of the year it had become a branch of the new Ministry of Citizenship.

The Cabinet Committee on Race Relations ceased to exist after the election of the New Democratic Party (NDP) in September 1990. In April 1991, the Minister of Citizenship announced a new anti-racism strategy. The new strategy included the creation of an Anti-Racism Secretariat, and the development and implementation of a new anti-racism policy.

A year later, in May 1992, Stephen Lewis was named a special adviser by the Premier. Mr. Lewis was to meet with various groups in the community, including the police, to recommend ways in which the province's race relations could be improved. His report was sent to the Premier in June. Recommendations covered issues such as the Anti-Racism Secretariat, employment equity and a Cabinet Committee on Race Relations. The creation of a Cabinet Round Table on Anti-Racism was announced by the Minister of Citizenship in December 1992. It has government as well as community representation.⁹

Persons with Disabilities

Awareness of the needs of persons with disabilities has been increasing since the 1970s. The Secretariat for Disabled Persons was created in 1978. The new Liberal government renamed the Secretariat in 1985. The Office for Disabled Persons now reported to the new Minister Responsible for Disabled Persons.¹⁰ With the election of the NDP, the Minister of Citizenship took responsibility for persons with disabilities. The Office for Disabled Persons has since been renamed the Office for Disability Issues.

Aboriginal People

While the federal government has constitutional responsibility for Aboriginal people in Canada, the provinces have become increasingly involved in the delivery of programs and services. A Minister Responsible for Native Persons, the Attorney General, was appointed in 1985. The Ontario Native Affairs Directorate (ONAD) then became the responsibility centre for Aboriginal people.¹¹ Native affairs is now the responsibility of the Minister of the Environment and Energy. ONAD has been renamed the Ontario Native Affairs Secretariat (ONAS).

Francophones

The provision of government services in French was examined by four task forces in the 1960s. The appointment of a government bilingualism coordinator in 1970 was preceded by developments in areas such as education and the civil service. Over the following years, municipal services, the justice system and the Legislature became more accessible to the province's francophone population.

The Office of the Government Co-ordinator of French Language Services was established in 1977. It was to oversee the development and implementation of the government's French language services policy. A Minister Responsible for French Language Services was appointed in the spring of 1985. When the Liberals came to office in June of that year, the names of the Office and the portfolio were changed to Francophone Affairs. With the passage of the *French Language Services Act* in 1986, the Office's principal responsibility became the implementation of that legislation.¹²

Access to Professions and Trades

A Task Force on Access to Professions and Trades in Ontario was created in 1987 to review certification processes. The situation respecting people educated and/or trained outside of Canada was of particular interest. The Task Force's report, *Access!*, was tabled in November 1989. The Ministry of Citizenship was given the responsibility of coordinating the government's response to the report and its 104 recommendations.

These developments were followed by interministerial working sessions and consultations with representatives of the public and private sectors, and stakeholder groups. On December 10, 1992, the Minister of Citizenship announced the Access to Professions and Trades initiative. A new Demonstration Project Fund will allocate \$2 million over two years.¹³

Employment Equity Commissioner

The Liberal-NDP accord, signed in May 1985, included a commitment to "affirmative action and employment equity for women, minorities and the handicapped."¹⁴ The Working Group on Employment Equity was created within the Ministry of Citizenship in 1988. Over the three years of its existence, the Working Group consulted with ministry officials and key stakeholder organizations, and produced a series of research papers.

Juanita Westmoreland-Traoré was appointed the province's first employment equity commissioner in March 1991. The new commissioner's office released *Working Towards Equality: The Discussion Paper on Employment Equity Legislation* in November 1991. The consultation process that followed was summarized in *Opening Doors: A report on the Employment Equity Consultations*. It was released on the day that Bill 79, the *Employment Equity Act, 1993*, received first reading, June 25, 1992.¹⁵

Employment Equity Policies and Programs

An employment equity strategy is now in place in the Ontario Public Service. It has been one goal of Management Board's 'Strategies for Renewal.' Programs for the broader public and private sectors have been aimed at women, racial minorities, persons with disabilities, and Aboriginal people. The *Police Services Act, 1990*, requires police forces to establish employment equity plans for the same four groups.

PUBLIC SERVICE

The Ontario Public Service (OPS) has been actively engaged in the promotion of affirmative action/employment equity since the 1970s. Developments have included the establishment of corporate goals, the introduction of a policy on job advertisements, the implementation of ministerial employment equity plans, and the publication of the first annual report on employment equity in the OPS.

Overview

A government-wide affirmative action program to encourage the hiring and advancement of women was approved by Management Board in 1974. Over the following years, ministries began to develop their own programs and the government began to recognize other target groups. Goals and timetables for female representation (30%) in the OPS by the year 2000 were established in 1980.¹⁶

The provincial government commissioned a study on barriers to the recruitment and advancement of all target groups in 1986. Group members were found to be concentrated at lower levels, over-represented in unclassified positions and often clustered in particular occupations. Overall representation, however, compared favourably to the groups' share of the province's working population. Employment equity plans were expanded to include persons with disabilities, Aboriginal people, visible minorities, and francophones in 1987.¹⁷ Employment equity planning has also been a major part of the OPS' corporate plan, 'Strategies for Renewal', since the fiscal year 1988/89.¹⁸

Another survey of the OPS was conducted in June 1989. Some progress had been made since 1986, but many earlier concerns continued to exist.¹⁹ In November 1989, the Chair of Management Board, Murray Elston, announced the establishment of the multi-million dollar Employment Equity Fund by the Human Resources Secretariat. During the remainder of the fiscal year 1989/90, \$1 million was to be channelled into a series of innovations to support ministries in accommodating persons with disabilities. In each of the three successive years (1990/91 to 1992/93), \$7.5 million would be placed in the Fund to address the needs of all five target groups.²⁰

This announcement coincided with the release of *Strategies for Renewal: Strategic Human Resources Management in the Ontario Public Service 1990-91*. The report said that

By the year 2000, the representation of all designated groups will be at least proportional to their representation within the Ontario population.

Proportional representation will be achieved in all occupational groups, from senior executives through the bargaining unit, except where there are long-term patterns of extreme under-representation and/or unavailability of qualified candidates.²¹

Also found in the report were corporate barrier elimination and numerical goals, and timetables affecting approximately 30 priority occupational groups. They were to cover the period April 1, 1990, to March 31, 1993. That same year, 1989, the OPS' internship program was converted to an employment equity program.²²

In order to encourage applications from designated group members, a phrase has been used in OPS advertisements appearing in *Job Mart* and external media since April 1, 1991. The phrase is worded as follows:

In accordance with our employment equity goals for this occupation, applications are particularly encouraged from aboriginal peoples, francophones, persons with disabilities, racial minorities and women.

The phrase is to be used in advertisements for positions in occupational groups in which designated groups are under-represented with respect to ministry or corporate goals. If only some groups are under-represented in a given occupation, reference will be made to only those groups in the phrase, for example:

In accordance with our employment equity goals for this occupation, applications are particularly encouraged from aboriginal peoples or persons with disabilities.²³

On June 17, 1991, the Chair of Management Board, Frances Lankin, announced that the government would spend \$10.9 million in 1991 on an Accelerated Employment Equity Program. It was felt that little headway had been made by the five designated groups since 1987. The new money would allow for resources and support

mechanisms for ministries to ensure policy implementation, accountability measures, and input from those affected by the Program. Ms. Lankin also said that the first public report on the OPS employment equity program would be issued in the summer of 1992.²⁴

Recent Developments

The voluntary work force profile survey conducted in June 1989 has been automatically updated as people enter and leave the OPS. The Employment Equity Fund, which was to receive monies through to fiscal year 1992/93, has been extended for another year (1993/94) with a \$4 million allotment. The corporate goals announced in late 1989 covered the period from April 1, 1990, to March 31, 1993. No new goals have been set in light of the legislation and the regulation which have been introduced. The internship program is not filling previously announced positions for 1993/94 and is under review.²⁵

Two other developments are worthy of greater discussion. The first annual report on employment equity in the OPS was released in early 1993. It covers the period from June 1991 to May 1992. Employment equity in the OPS was also the subject of submissions and discussion during the Office of the Employment Equity Commissioner's 1991/92 consultations.

First Annual Report

The accelerated Employment Equity Program is said to have three phases:

- creating an infrastructure to support organizational change;
- increasing the ability to implement change; and
- fully implementing change and meeting the requirements of legislation.

The first annual report on employment equity in the OPS describes the progress made during phase 1 (June 1991 to May 1992) in ministries and Schedule 1 agencies, boards and commissions. The work force data used compared June 1989 with May 1992.²⁶

According to the report, deputy ministers are required to submit annual employment equity plans and results to Management Board. Ministries are required to establish an office dedicated to employment equity with a manager who reports to the deputy minister. Objectives related to work force analysis and monitoring progress had resulted in a 92% response rate to the work force profile survey, as of May 1992, and ministerial reviews and revisions of employment equity goals for 1990 to 1993.²⁷

After discussing administrative developments, definitions and ways to measure progress, the report provides information on the representation of the five designated groups within the OPS, and within individual ministries and Schedule 1 agencies, boards and commissions. What follows is a summary of the findings within the OPS as a whole.

OPS Findings

Aboriginal peoples made up 1.7% of the OPS work force as of May 1992. They were under-represented in the OPS in all regions of the province except for Metro Toronto and central Ontario. Despite a high hiring rate, a high rate of departure had resulted in only slight gains in representation from June 1989 to May 1992. Members of this group were over-represented in lower paying occupations and, on average, earned less than the other designated groups.²⁸

Francophones were found to represent 8.2% of the OPS population as of May 1992. They were over-represented across the province when compared with the working-age population (1986) but under-represented in the OPS in the northeastern and eastern regions. The group was also under-represented in senior management positions.

Francophone women were over-represented in the Office Administration group (OAG).²⁹

Persons with disabilities, 3.8% of OPS employees in May 1992, were the most under-represented of the five designated groups. They had made no gains between June 1989 and May 1992. Forty-one percent of women with disabilities were in the OAG, compared with 22% of all employees.³⁰

Across the province, racial minorities were found to be over-represented in the OPS compared to the working-age population (1986). Despite making up 12.7% of the OPS as of May 1992, they were under-represented in three regions: eastern, southwestern and northwestern. Racial minority women were over-represented in the OAG. Men who identified themselves as members of a racial minority were found to have the same earnings as non-designated men. They were also well-represented in the occupational groups that fed into the senior management group (SMG). Racial minorities of both sexes, however, were over-represented in the lower levels of the SMG.³¹

Approximately one-third of the OPS's 124 occupational groups were dominated by either men or women. Men dominated a greater number of groups; women dominated one large group, OAG, and were under-represented in the SMG. Women who were members of other designated groups were found to experience additional barriers. For example, disabled, francophone, racial minority, and Aboriginal women made 82.7%, 80.6%, 80.5%, and 75%, respectively, of the earnings of non-designated members of the OPS. The figure for women with no other group status was 84%.³²

During the period covered by the report, members of the designated groups were asked for comments on their experiences in the OPS. The most common barriers were seen to be corporate culture, recruitment and selection procedures, and training and development opportunities. Some barriers were considered more group specific.

These included sexual harassment, tokenism and isolation, attitudinal barriers, and stereotyping.³³

Employment Equity Consultations

Recent consultations were summarized in *Opening Doors: A report on the Employment Equity Consultations*. Claiming widespread disappointment with employment equity in the OPS, the report touched on a number of themes put forward by representatives from the public sector. A lack of coordination and accountability with respect to implementation and inconsistencies between ministries were concerns of the Ontario Public Service Employees Union (OPSEU). Difficulties are still being experienced by members of designated groups, particularly Aboriginal people and persons with disabilities, including the use of short-term contracts and under-utilization. The report emphasized a need for results-oriented planning, accountability and coordination among ministries. Other suggestions included fair assessments of foreign credentials and expanded outreach recruitment.³⁴

BROADER PUBLIC SECTOR

The broader public sector in Ontario, as defined by the proposed *Employment Equity Act, 1992*, refers to those employers named in the Schedule to the *Pay Equity Act*. They include municipalities, school boards, colleges, universities, boards of health, hospitals, as well as the Office of the Assembly and authorities, boards, commissions, and corporations found in the appendix to the Schedule.

Government ministries, offices and directorates have worked closely with broader public and private sector groups in the encouragement and the development of voluntary employment equity programs. This section will provide an overview of some endeavours dedicated to employment equity in the broader public sector, most particularly the Affirmative Action/Employment Equity Incentive Fund.

The provincial government established the Affirmative Action Incentive Fund in 1984. In its first two years, the Fund, working through the Ontario Women's Directorate (OWD), provided \$4.3 million to school boards, hospitals, municipalities, and universities to assist in the development of affirmative action programs for women. (Agreements were signed with the ministries of Education, Health, Municipal Affairs, and Colleges and Universities.) The Fund was extended for another five years in 1986 and renamed the Employment Equity Incentive Fund. An additional \$12.3 million was made available to employers, who now included community colleges.³⁵ Each ministry developed its own set of guidelines that were to be met by those institutions or municipalities participating in its version of the Fund.

Ministry of Education

The Ministry of Education launched its own version of the Affirmative Action Incentive Fund in December 1984. The purpose of the Fund was to encourage school boards to "achieve equality of opportunity and alleviate under-representation of women in positions of added responsibility."³⁶ This was to be done with grants over a period of two years. The money was to be used to hire an affirmative action coordinator, and to cover the costs of creating and implementing a program. Boards were also asked to set up formal affirmative action funds and to appoint a senior staff member to develop and coordinate a plan. Additional requirements included the collection and analysis of data related to occupation and salary distributions, job competitions and projected vacancies, and training and development.³⁷

Two years later, in December 1986, the Ministry announced that it would extend the Fund for an additional three years, beginning January 1, 1987. During 1985 and 1986, 79 school boards had expanded or initiated programs. Despite this response, the Ministry felt the Fund had to be extended in order to achieve more substantial progress. Increasing numbers of women were qualifying as principals and supervisory officers, but they were not entering these job categories.

Minister of Education Sean Conway also asked that school boards aim for a minimum of 30% women in all occupational categories by the year 2000. He went on to say that he would be introducing amendments to the *Education Act* that would require boards to promote and maintain employment equity programs and make annual reports on their progress. December 1986 also saw the Minister table the first annual report on the status of women and employment equity in Ontario school boards.³⁸

An announcement in March 1989 said that school boards would be required to establish and maintain employment equity policies for women, beginning in September 1990. (Authority was given through an amendment to the *Education Act*, S.O. 1989, c. 1, s. 1(1).³⁹) A new goal of 50% women in the positions of supervisory officer, principal and vice-principal was set for the year 2000. The announcement coincided with the tabling of the Minister's third annual report on the status of women in Ontario school boards. At the time of publication, grants had been provided to 102 school boards. The latest statistics available showed that women made up 17% of elementary principals and 11% of secondary principals. Two women held the position of director of education in January 1989.⁴⁰

The Fund came to an end in December 1990. By that time, 104 boards (83% of those eligible) had participated for at least one year. They had received just under \$4.5 million.⁴¹ Bill 21, the *Education Amendment Act (Education Authorities and Minister's Power)*, 1992, received Royal Assent in July 1992. With its passage, the Minister of Education's existing authority to require school boards to establish an employment equity policy for women was extended to include other designated groups.⁴²

The Ministry's latest report on employment equity was released in early 1993. Figures from 1991 showed that some progress continued to be made. In 1991, 53% of the successful candidates for supervisory officer's certificates were women. Of those achieving principal's qualifications, 62% were women. From 1990 to 1991, the percentage of women elementary principals rose from 23.4 to 26.2. The percentage

of women secondary principals went from 13.7 to 15.6. There were six female directors of education in 1991, 5.1% of 118 positions.⁴³

Ministry of Colleges and Universities

Funding from the Affirmative Action/Employment Equity Incentive Fund allowed the Ministry of Colleges and Universities to sponsor a three-year program for post-secondary institutions. The program was put in place for universities in 1986 and for community colleges the following year. Its purpose was to help institutions develop new programs and enhance current initiatives. In order to receive funding, schools had to adopt formal employment equity statements, review personnel policies and procedures, and collect and analyze data by gender on occupational and salary distribution. Funding was available for special projects and to cover up to 75% of the cost of employing an employment equity coordinator or for new initiatives, and/or staff if a program was already in place.

Fifteen institutions participated in the first year of the university program; in 1987/88, 16 took part. By September 1987, most of the colleges had hired full-time employment equity coordinators. During the second and third years of the college program, 21 of 22 colleges participated. When the Fund ended, supplementary funding for colleges became available through Employment Equity Special Projects allocations in 1991 and 1992.⁴⁴

The Ministry published a report on employment equity in the province's community colleges in the spring of 1992. From 1987/88 to 1989/90, the percentage of women employed in the system grew from 48.4 to 51.0. Despite the fact that there were relatively few women in upper and middle level management positions, absolute numbers and percentages had increased. There was a 2.4% increase in the percentage of women faculty members. The percentage of women service workers increased by 2.3%. The number of unskilled manual workers who were women grew by 3.9%.⁴⁵

To date, all 18 of the province's universities, including Ryerson Polytechnic University, have received funding from the Ministry. Sixteen have an employment equity coordinator. While most positions are full-time, approximately half are contract. Fewer than half of the institutions actually have a plan. All of the designated groups are included in programs except in four institutions where women are the sole focus. More than half of the universities have carried out work force surveys. Twelve have participated in the federal contractors program.⁴⁶ (Further reference will be made to this program later in the paper.)

The provincial government announced in 1986 that it was allocating \$84 million to faculty renewal in Ontario universities over the next 10 years. Part of the University Excellence Fund announced in the 1986 budget, the Faculty Renewal Fund would provide 500 new appointments between 1986 and 1991. Because each new appointment would be supported for five years, funding would be carried through until 1994/95. It was expected that the initiative would help to increase the percentage of female and younger faculty in the system.⁴⁷

Ministry of Municipal Affairs

The Ministry of Municipal Affairs Affirmative Action/Employment Equity Incentive Fund ended in March 1992. While initially for women only, it was eventually used for other target groups as well. Program funding was received by 58 municipalities and between 50 and 60 received funding for related activities such as training and development seminars. (There are over 800 municipalities in the province with great variations in their number of employees.) The Fund had an internship element which was for women only. This program encouraged entry into non-traditional and managerial positions and paid up to \$10,000 per year for two years to offset up to 50% of an intern's salary. Money was also available to help cover training and development costs.

The Ministry has published a series of manuals on the implementation of employment equity for all designated groups. They were made available in the spring of 1992 and have been requested by more than 300 municipalities.⁴⁸

Ministry of Health

The Ministry of Health's employment equity program for public hospitals came into being in December 1985. It was developed in cooperation with the OWD and the Ontario Hospital Association. During its first year of operation, approximately \$1.3 million was allocated to 72 hospitals with more than 100 beds. The Minister of Health announced that funding would be made available for another year in December 1986. The additional 1987/88 money would support and expand existing programs and start another 55. The Minister also noted that hospitals with fewer than 100 beds had started to develop their own programs.

All programs were to include five key elements: a policy on employment equity; an employment equity coordinator; an employment equity committee; data collection to identify those areas with few women employees; and a review of human resources policies and procedures. Funds could also be used for such activities as counselling and career development workshops. At the time of the December 1986 announcement, most hospital employees were women, however, men held two-thirds of senior management positions.⁴⁹

Funding under the Ministry of Health's Employment Equity Incentive Fund ended in the fiscal year 1990/91. Over the three years of the Fund, approximately \$3.6 million was spent by the Ministry on grants to hospitals (79%) and program support (21%). A report on the 1987 work force survey of public hospitals was published in October 1989. A year later, a report on the findings of a needs assessment survey were released. According to that document, 81% of all hospitals in the province had participated in the Fund to November 1990.⁵⁰

Employment Equity Consultations

Representatives of broader public sector organizations were among those who met with the Employment Equity Commissioner during her consultations from late 1991 to early 1992. While there was general support for legislation, many recommended compatibility between Ontario's legislation and that of other jurisdictions.

Cost was a critical issue for many organizations. Transfer payment recipients in particular have been affected by budget restrictions and limited resources. Many already have plans that are at some stage of development or implementation. They asked for well-defined requirements but clear and flexible implementation standards. Large employers expressed concerns about negotiating with several bargaining units. Management seemed to prefer consultation rather than mandatory negotiations. Educational institutions recommended that relevant bodies deal jointly with the recognition or valuation of foreign credentials.⁵¹

PRIVATE SECTOR

Many private sector employers operating in Ontario must meet the requirements of the federal *Employment Equity Act* or the federal contractors program. Those subject to the legislation are federally regulated and have 100 or more employees. (Federal Crown corporations are also covered.) They are found primarily in the transportation, banking and communications industries. Private sector employers (and many in the broader public sector) who have 100 or more employees and bid on federal contracts worth \$200,000 or more, participate in the federal contractors program. The terms of that program require employers to commit themselves to the design and establishment of employment equity programs.

Other organizations in the private sector have been encouraged and assisted in the development of voluntary employment equity programs by Ontario government ministries, offices and directorates. The types of encouragement and assistance are quite varied. For example, the Centre for Disability and Work in the Ministry of

Labour offers consultation services to any employer on employment equity for the disabled. It provides advice on technical and personal accommodations for employees with disabilities and information sessions on employment equity sensitization and accommodation issues such as alternate formats, physical access, and the job demands analysis process.

A major initiative of the Ontario Women's Directorate (OWD) has been the Change Agent Program launched in 1986. Since that time, the OWD has jointly sponsored a number of projects with broader public and private sector employers. Each project is employer driven and workplace specific. It must stimulate employment equity for any or all of the four target groups. The information gathered over the life of a project is to be shared in the form of a published report or video. It takes approximately one year for a project to come to fruition. Over that time, it has to be developed and negotiated and a legal agreement has to be signed. Topics have included work and family, non-traditional sales jobs, and harassment on the job. Employers who have participated in the program include unions, the Canadian Manufacturers' Association, Ontario Hydro, the Oshawa Group, the African Training and Education Centre, and Westinghouse Canada.⁵²

The previously cited *Opening Doors: A report on the Employment Equity Consultations* contains a section on the private sector. Many employers were supportive of the principles and objectives of employment equity. At the same time though, many felt further regulation of their sector with respect to employment matters was not necessary. The group as a whole opposed fixed standards imposed by regulation, but asked that if there was to be regulation, that it be simple and cost-effective. Like their broader public sector counterparts, private sector employers expressed concern about incompatibility with the requirements of other jurisdictions. Those that have already introduced employment equity initiatives asked that these efforts be taken into consideration by the legislation.⁵³

POLICE

A provincial Task Force on Race Relations and Policing was established in December 1988 after two separate incidents involving the shooting of black men by police. The Task Force made 57 recommendations in the report it released the following spring. One of the Task Force's central recommendations was the implementation of a mandatory, legislated employment equity program for police services. In his November 1989 response to the report, the then Solicitor General, Steven Offer, said the government would bring forward such a program for all police services.⁵⁴

A month later, Bill 107, the *Police Services Act, 1989*, was tabled in the Legislature. It received third reading on June 6, 1990, and was proclaimed on December 31 of that same year. Section 48 of the legislation requires every police force to prepare an employment equity plan. Each plan is to provide for the elimination of systemic barriers to the recruitment of members of prescribed groups: women, racial minorities, persons with disabilities, and Aboriginal people.⁵⁵

On April 10, 1991, Ontario Regulation 153/91, "Employment Equity Plans," was filed under the *Police Services Act, 1990*. In a statement delivered in the Legislature on the same day, Solicitor General Mike Farnan told the House that the new regulation outlined the actions required of police services and boards to make their forces more representative of the Ontario population. Employment equity plans covering the period from July 1, 1992, to December 31, 1993, were to be submitted by May 1, 1992. The results for the first six months of the plans were to be submitted to the Ministry by March 1, 1993. After this date, reports are to be prepared on an annual basis.⁵⁶

FOOTNOTES

¹ Canada, Royal Commission on Equality in Employment (Judge Rosalie Silberman Abella, Commissioner), *Report* (Ottawa: Ministry of Supply and Services Canada, 1984), p. 2.

² Employment equity in the province's police forces is covered under the *Police Services Act*.

³ In its report, the Commission wrote that the phrase affirmative action had been described as ambiguous and confusing. People also had a sense that it referred to "interventionist government policies." The Commission proposed that employment equity be used to describe programs of "positive remedy for discrimination in the Canadian workplace." Canada, Royal Commission, *Report*, pp. 6-7.

⁴ Judith Keene, *Human Rights in Ontario* (Toronto: Carswell, 1983), p. 1.

⁵ Ontario Human Rights Commission, *Annual Report 1986-87* (Toronto: The Commission, [1987]), p. 9; and *Human Rights Code*, R.S.O. 1990, c. H.19, s. 14(1).

⁶ Keene, *Human Rights*, p. 1.

⁷ *The Ontario Gazette* (23 April 1988): 2209.

Section 15 of the Charter legislates equality before and under law, and equal protection and benefit of the law while allowing affirmative action. Other equality clauses in the Charter deal with specific issues: Aboriginal rights (s. 25); multicultural diversity (s. 27); gender equality (s. 28); and denominational schools (s. 29). *Canadian Charter of Rights and Freedoms, Constitution Act, 1982*, as enacted by *Canada Act, 1982 (U.K.)*, c. 11.

⁸ Ontario, Ministry of Citizenship, Working Group on Employment Equity, *Employment Equity Programs in the Ontario Government* (Toronto: The Group, 1989), p. 2; and Council of Ministers of Education, Canada, *Women's Issues in Education in Canada* (Toronto: The Council, 1987), p. 22.

⁹ Working Group on Employment Equity, *Employment Equity Programs*, pp. 5-6; Ontario Women's Directorate, *Report on the 1987 Community Workshops with Visible Minority and Immigrant Women* (Toronto: The Directorate, 1988), p. 21; Ontario Human Rights Commission, *Annual Report 1986-1987*, pp. 9-10; Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 35th Parliament, 1st Session (3 April 1991): 385-6; and idem, *Official Report of Debates (Hansard)*, 35th Parliament, 2nd Session (10 December 1992): 4163.

The Lewis appointment was preceded by riots in Los Angeles following a non-guilty verdict in the first Rodney King court case, and subsequent demonstrations in downtown Toronto. A few days before the latter events, the Premier had met with representatives

of Toronto's black community to discuss their concerns about the province's justice system. Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 35th Parliament, 2nd Session (4 May 1992): 497.

The present government's anti-racism policy has yet to be considered by the entire Cabinet. Telephone interview conducted by Edward Israel, Legislative Research Service, with Felicity Somerset, Anti-Racism Secretariat, Ministry of Citizenship, Toronto (325-6062), 2 July 1993.

¹⁰ Working Group on Employment Equity, *Employment Equity Programs*, pp. 7-8.

¹¹ *Ibid.*, pp. 9-10.

The Native Community Branch of the Ministry of Citizenship oversees special projects and grants programs.

¹² Ontario, Office of the Government Co-ordinator of French-Language Services, *Annual Report 1983* (Toronto: The Office, 1984); Ontario, Office of Francophone Affairs, *Annual Report 1985* (Toronto: The Office, 1986), p. 4; *idem*, *Annual Report 1987-1988* (Toronto: The Office, [1988]), pp. 3-4; and Debra Forman, comp. and ed., *Legislators and Legislatures of Ontario*, vol. 4: 1984-1991 (Toronto: Legislative Library, [1992]), pp. 36 and 45.

¹³ Ontario Liberal Party, *Ontario Government Initiatives*, 34th Parliament, 1st Session (Toronto: The Party, December 1987), pp. CIT1 to CIT2; Ontario, Ministry of Citizenship, *Annual Report 1989-1990* (Toronto: The Ministry, 1990), pp. 2 and 14; *idem*, *Annual Report 1990-1991* (Toronto: The Ministry, 1991), p. 18; *idem*, *Rapport annuel 1991-1992* (Toronto: Le ministère, [1992]), p. 12; and *idem*, "Citizenship Minister Ziemba Responds to Steven Lewis Report," *News Release*, 10 December 1992.

¹⁴ Ontario Liberal Party and Ontario New Democratic Party, "An agenda for reform: Proposals for minority parliament, May 1985."

¹⁵ Ontario, Ministry of Citizenship, *Annual Report 1989-1990*, p. 13; *idem.*, *Annual Report 1990-1991*, p. 8; Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 35th Parliament, 1st Session (5 November 1991): 3367; and *idem*, *Official Report of Debates (Hansard)*, 35th Parliament, 2nd Session (25 June 1992): 1680.

Bob Rae introduced employment equity legislation in the spring of 1990, while in opposition. Bill 172, the *Employment Equity Act, 1990*, received second reading before the House rose in June of that year. During the September 1990 provincial election campaign, the NDP included a section on employment equity in its "An Agenda for People." It proposed legislation to end workplace discrimination against the designated groups covered by Rae's bill.

¹⁶ Working Group on Employment Equity, *Employment Equity Programs*, p. 2.

¹⁷ Ontario, Management Board of Cabinet, Human Resources Secretariat, "Backgrounder: Employment Equity in the OPS," [1991]; and Ontario, Management Board of Cabinet, Human Resources Secretariat, *Background Paper* (Toronto: The Secretariat, 1987), p. 1.

Even with Bill 79, francophones will continue to be a designated group within the OPS.

¹⁸ Human Resources Secretariat, *Background Paper*, p. 1.

¹⁹ Idem, "Backgrounder."

²⁰ Ontario, Legislative Assembly, *Hansard: Official Report of Debates*, 34th Parliament, 2nd Session (4 November 1989): 3814-5.

²¹ Ontario, Management Board of Cabinet, Human Resources Secretariat, *Strategies for Renewal: Strategic Human Resources Management in the Ontario Public Service 1990-91* (Toronto: The Secretariat, [1989]), p. 4.

²² Human Resources Secretariat, "Backgrounder."

²³ Ontario, Management Board of Cabinet, Human Resources Secretariat, Workforce Planning and Employment Equity Branch, "Memorandum To: Human Resources Directors, From: Debbie Oakley, Director, RE: Outreach through Targeted Advertising," 15 March 1991. Information verified by Norma Kilbride, Policy Analyst, Staffing Policies, Operational Policy Unit, Operational Policy and Program Development Branch, Management Board, Toronto (325-0284), 24 June 1993.

²⁴ Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 35th Parliament, 1st Session (17 June 1991): 1981-2. (The first annual report on employment equity in the OPS was released in the spring of 1993. It covers the period June 1991 to May 1992.)

The June 1991 announcement was preceded by Treasurer Floyd Laughren's 1991 budget. In that document, it was stated that the government would commit \$24 million to employment equity initiatives in the OPS in 1991/92. See Ontario, Ministry of Treasury and Economics, *1991 Ontario Budget* (Toronto: The Ministry, 1991), p. 14.

²⁵ Telephone interview with Bob Sherman, Policy Analyst, Policy Section, Employment Equity and Executive Services Branch, Management Board, Toronto (325-1282), 25 June 1993. It is hoped that the internship program will be offered in 1994/95. Corporate goals are being reviewed against performance over the 1990/91 to 1992/93 period. They provide a basic framework. Ministry goals and those of Schedule 1 agencies, boards and commissions respond to specific issues.

²⁶ Ontario, Management Board Secretariat, *The Ontario Public Service: Employment Equity Annual Report, June 1991 to May 1992* (Toronto: The Secretariat, 1993), pp. 5 and passim.

²⁷ Ibid., pp. 11-13.

The report also makes reference to partnerships. Representatives from Management Board, ministries and the Ontario Public Service Employees' Union (OPSEU) have formed a Joint Consultation Committee on Employment Equity. Reference is made to a clause on seniority and employment equity in the collective agreement negotiated between OPSEU and Management Board. See *ibid.*, p. 14.

²⁸ *Ibid.*, p. 23.

²⁹ *Ibid.*, p. 25.

³⁰ *Ibid.*, 27.

³¹ *Ibid.*, p. 29.

³² *Ibid.*, p. 31.

³³ *Ibid.*, pp. 20 and 21-31.

Management Board approved a Workplace Discrimination and Harassment Prevention Directive and an accompanying Guideline in December 1991. Both appeared as updates to the Board's *Human Resources Directives and Guidelines* in March 1992.

³⁴ Ontario, Ministry of Citizenship, Office of the Employment Equity Commissioner, *Opening Doors: A report on the Employment Equity Consultations*, rev. (Toronto: Queen's Printer, 1992), pp. 31-33.

³⁵ Working Group on Employment Equity, *Employment Equity Programs*, p. 3; and Ontario Liberal Party, *Ontario Government Initiatives June 1985 - June 1987* (Toronto: The Party, [1987]), p. 25.5.1.

³⁶ "Affirmative action programs enjoying success with Ontario school boards," *Education Ontario* (June 1986): 4.

³⁷ *Ibid.* See also Ontario Women's Directorate, Consultative Services Branch, *Design for Affirmative Action: A Guide for Boards of Education* (Toronto: The Branch, 1985).

³⁸ Ontario, Ministry of Education, "Affirmative Action/Employment Equity Incentive Fund for School Boards," *Policy/Program Memorandum No. 92*, 16 December 1986; *idem*, *The Status of Women and Affirmative Action/Employment Equity in Ontario School Boards: Report to the Legislature by the Minister of Education December 1987* (Toronto: The Ministry, [1988]), p. 1; and *idem*, "Affirmative Action/Employment Equity for Women Employees of School Boards," *Policy/Program Memorandum No. 102*, 11 January 1988.

³⁹ The latest annual report on the status of women and employment equity was released in early 1993. At the time of printing, 166 of 167 school boards had submitted an employment equity policy. See Ontario, Ministry of Education, *The Status of Women and*

Employment Equity in Ontario School Boards: Report to the Legislature by the Minister of Education 1992 (Toronto: The Ministry, 1993), p. 13.

⁴⁰ Ontario, Ministry of Education, "Employment Equity Policies in School Boards Become Mandatory," *News Release*, 30 March 1989; and idem, *The Status of Women and Affirmative Action/Employment Equity in Ontario School Boards: Report to the Legislature by the Minister of Education 1988* (Toronto: The Ministry, 1989), p. i.

⁴¹ Ibid., p. 16.

⁴² S.O. 1992, c. 16.

Twenty percent of school boards extended policies to include other designated groups in 1990. See Ontario, Ministry of Education, *The Status of Women ... 1992*, p. 15.

⁴³ Ontario, Ministry of Education, *The Status of Women ... 1992*, pp. 7, 26-7 and 36.

⁴⁴ Ontario, Ministry of Colleges and Universities, *Employment Equity in Postsecondary Institutions* (Toronto: The Ministry, February 1989), pp. 1-5 and 11; idem, *Employment Equity in Colleges of Applied Arts and Technology* (Toronto: The Ministry, 1992), pp. 3-4; and telephone interview with Barbara Robinson, Staff Relations Section, College and Student Support, Ministry of Colleges and Universities, Toronto, 30 May 1991.

⁴⁵ Ontario, Ministry of Colleges and Universities, *Employment Equity in Colleges*, pp. 10-11.

Colleges have not been directed to establish programs for other designated groups, but all have them. Some have added francophones. Telephone interview conducted by Edward Israel with Barbara Robinson, Staff Relations Officer, Colleges' Staff Relations, Ministry of Education and Training, Toronto (325-2905), 21 June 1993.

⁴⁶ The survey was prepared by the Equity and Access Unit of the Ministry of Colleges and Universities. It was updated in October 1992 and remains current. Telephone interview with Barbara Robinson, 21 June 1993.

⁴⁷ Ontario, Ministry of Education, *News Release*, 26 May 1986; and telephone interview with Alison Hegarty, University Grants, Ministry of Education and Training, Toronto (325-2813), 11 August 1993.

⁴⁸ Telephone interview conducted by Edward Israel with Carol Barnes, Coordinator, Intergovernmental Relations, Ministry of Municipal Affairs, Toronto (585-7294), 24 June 1993.

The City of Toronto has had an equal opportunity/employment equity program in place since 1975. A contractors program was approved by City Council in 1985. See Ontario, Ministry of Citizenship, Working Group on Employment Equity, *City of Toronto Employment Equity Programs* (Toronto: The Ministry, 1989), p. 1.

⁴⁹ Ontario, Ministry of Health, "Employment Equity Program for Hospitals Gets \$922,000," *News Release*, 17 December 1986; and Ontario, Ministry of Health, "Statement by the Honourable Murray Elston, Minister of Health to the Legislature Re: Employment Equity Incentive Fund for Public Hospitals, Queen's Park," 17 December 1986.

⁵⁰ Telephone interviews conducted by Edward Israel, Legislative Research Service, with Dr. Anna Rose Spina, Policy Coordinator, Institutional Health Policy and Support Unit, Ministry of Health, Toronto (327-8945), 8 December 1992 and 28 June 1993; Ontario, Ministry of Health, *Employment Equity - Ontario Public Hospitals: Work Force Survey 2* (Toronto: [The Ministry], October 1989); and idem, *Employment Equity - Ontario Public Hospitals: Needs Assessment Survey* (Toronto: [The Ministry], November 1990), p. 2.

⁵¹ Ontario, Ministry of Citizenship, Office of the Employment Equity Commissioner, *Opening Doors*, pp. 33-34.

⁵² Ontario Women's Directorate, "Companies sign Change Agent agreements," *News Release*, 12 August 1986; telephone interview conducted by Tom Prins, Legislative Research Service, with Jan Anceovich, Manager, Centre for Disability and Work, Ministry of Labour, Toronto (326-7816), 22 July 1993; telephone interview conducted by Edward Israel with Patricia Li, Manager, Economics and Workplace Equity Unit, Ontario Women's Directorate, Toronto (314-0361), 7 December 1992; and telephone interview conducted by Tom Prins with Pat Cranfield, Economics and Workplace Equity Unit, Ontario Women's Directorate, Toronto (314-0383), 23 July 1993.

⁵³ Ontario, Ministry of Citizenship, *Opening Doors*, pp. 34-37.

⁵⁴ Nancy Wood, "Hire more minorities, Ontario tells police forces," *Toronto Star*, 17 November 1989; and Ontario, Legislative Assembly, *Hansard: Official Report of Debates*, 34th Parliament, 2nd Session (16 November 1989): 3987.

⁵⁵ *Police Services Act, 1990*, S.O. 1990, c. 10.

⁵⁶ Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 35th Parliament, 1st Session (10 April 1991): 571-2; O. Reg. 153/91; and telephone interview with Steve Waldie, Policy Development Officer, Race Relations and Policing Unit, Ministry of the Solicitor General, Toronto (326-9325), 7 July 1993.

Police services and boards will be required to submit employment equity plans for 1994 and 1995 by October 15, 1993. The results of the first 18 month period are to be submitted in March 1994. The Ministry has yet to publish any documentation on the information it has received. Telephone interviews with Steve Waldie, 21 June 1993, and 7 July 1993.



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